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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,575

Applicant(s)

MONTEMER, WILLIAM A.

Examiner

DENNIS MYINT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/09/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 5-17 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 5-17 and 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 9, 2009, has been entered.

2. Claims 2, 5-17 and 23-36 are currently pending in this application. Claims 2, 5, 7, 9, 10-11, 13, 15, and 17 were amended. Claims 3-4 and 18-22 were cancelled. Claims 23-36 are newly added. Claims 2 and 17 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 11-13 and 31 are rejected under 35 U.S.C. §112, First Paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 11, the claim recites "wherein receiving the one or more bid amounts for the keyword includes synchronizing a shared database with one or more databases of one or more telephone directory listing sources from which one or more bid amounts are received". However, the specification of the instant application fails to describe said limitation.

Claims 12-13 are rejected under 35 U.S.C. 112 first paragraph by virtue of their dependency on claim 11.

Claims 31 is rejected under 35 U.S.C. 112 first paragraph on the same basis as claim 11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5, 17, 23, 24, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al. (hereinafter "Cheung", U.S. Patent Application Publication Number 2002/0169760) in view of Carr JR. et al., (hereinafter "Carr", U.S. Patent Application Publication Number 2002/0152099)

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and further in view of Ferguson et al., (hereinafter "Ferguson", U.S. Patent Number 5819092).

Referring to claim 2, Cheung is directed to a method and teaches the limitations:

"receiving one or more bid amounts for a keyword, wherein each bid amount is associated with a (telephone directory) a listing" (Cheung, Paragraph 0025, Paragraph 0104, and Paragraphs 0091-0093);

"returning one or more (telephone directory) listings responsive to a query associated with the keyword, wherein the responsive (telephone directory) listings are organized in an order associated with the respective bid amounts of the responsive (telephone directory) listings" (Cheung, Paragraphs 0028 and 0106) ;

"receiving an indication that a selected (telephone directory) listing included in the responsive (telephone directory) listings has been selected" (Cheung, Paragraphs 0104-0105);

"(splitting) disbursing automatically a bid amount received from an advertiser for the selected (telephone directory) listing between a referral (telephone directory) listing source associated with the user and an advertiser (telephone directory listing) source that returned the selected (telephone directory) listing (Cheung, Paragraph 0025, i.e., *the concept of a bid which corresponds to economic value which the advertiser will give when network location associated with the advertiser is referred to a searcher in response to a query from the searcher*; Paragraph 0028, i.e., *Search listings*

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*include one more of a search term and a bid/desired rank associated with the search term; Paragraph 0118, i.e., payment type; and Paragraphs 00240-0248, i.e., end procedure; Particularly note that "network locations associated with the advertiser, which is referred to a searcher (user) in response to a query from the searcher (user), maps to "a referral service" of the claimed invention) using **web services, including generating a web services transaction for a revenue sharing message system**" (Cheung, Paragraph 0084, i.e., "account management server 22"; Cheung, Paragraph 0092, i.e., " The account identification information is recorded in the advertiser's account along with information from the retrieval request as a retrieval request event. Since the information obtained through this mechanism conclusively matches an account identifier with a URL in a manner not possible using conventional server system logs known in the art, accurate account debit records will be maintained"; Cheung, paragraph 0084, i.e., "The block diagram of FIG. 1 therefore shows a **distributed system 10 comprising a plurality of client computers 12, a plurality of advertiser web servers 14, an account management server 22, and a search engine web server 24, all of which are connected to a network 20. The network 20 will be hereinafter generally referred to as the Internet. Although the system and method of the present invention is specifically useful for the Internet, it should be understood that the client computers 12, advertiser web servers 14, account management server 22, and search engine web server 24 may be connected together through one of a number of different types of networks. Such networks may include local area networks (LANs), other wide area networks***

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(WANs), and regional networks accessed over telephone lines, such as commercial information services. The client and server processes may even comprise different programs executing simultaneously on a single computer"; **Cheung**, Paragraph 0111, i.e., "For example, the advertiser may elect to set an option to have the system send conventional electronic mail messages to the advertiser when the advertiser's account balance has fallen below a specified level. In this manner, the advertiser may receive a "warning" to replenish the account before the account is suspended (meaning the advertiser's listings will no longer appear in search result lists). Another key event for which the advertiser may wish notification is a change in position of an advertiser's listing in the search result list generated for a particular search term. For example, an advertiser may wish to have the system send a conventional electronic mail message to the advertiser if the advertiser has been outbid by another advertiser for a particular search term (meaning that the advertiser's listing will appear in a position farther down on the search result list page than previously). When one of the system-specified key events occurs, a database search is triggered for each affected search listing. The system will then execute the appropriate notification routine in accordance with the notification options specified in the advertiser's account").

"wherein returning one or more (telephone directory) listings responsive to the query includes receiving from each of one or more (telephone directory) listing sources include in a plurality of (telephone directory) listing sources a corresponding set of one or more(telephone

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directory) **listings responsive to the query**" (Cheung, Figure 5: *SEARCH LISTING 340, 344, BID AMOUNT 358, and ADVERTISING INFORMATION 330*; Cheung, Paragraph, 0103, i.e., *The advertising information section 330 contains information needed to conduct the online bidding process of the present invention, wherein a position is determined for a web site description and hyperlink within a search result list generated by a search engine. The advertising data 330 for each user account 300 may be organized as zero or more subaccounts 340. Each subaccount 340 comprises at least one search listing 344*; Cheung, Paragraph 0103, i.e., *Each search listing corresponds to a bid on a search term. An advertiser may utilize subaccounts to organize multiple bids on multiple search terms, or to organize bids for multiple web sites*) and **"for each (telephone directory) listing, a corresponding bid amount"** (Cheung, Paragraph 0104, *The search listing 344 corresponds to a search term/bid pairing and contains key information to conduct the online competitive bidding process. Preferably, each search listing comprises the following information: search term 352, web site description 354, URL 356, bid amount 358, and a title 360. The search term 352 comprises one or more keywords which may be common words in English (or any other language). Each keyword in turn comprises a character string*).

Cheung does not explicitly disclose the limitation:

"telephone directing listing", and "splitting revenue" (a bid amount received from an advertiser for the selected) telephone directory listing (between a referral) telephone directory listing (source associated with the user and an

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advertiser) telephone directory (listing source that returned the selected telephone directory listing using web services)". Limitations are taught by Cheung as presented above.

On the other hand, Carr teaches the limitation:

"splitting revenues" (Carr, Paragraph 0010, i.e., *a referral by an existing member entity, a referral from a third party vendor, a physical inspection of a particular market or submarket to identify one or more qualified commercial office buildings.....* (advertiser maps to the plurality of independently owned commercial office buildings in Paragraph 0009)); Carr, Paragraphs 0009, Paragraph 0010, Paragraph 0020, and Paragraph 0034).

Carr teaches a method, which aggregates the plurality of independently, owned commercial office buildings under single brand identity and markets the plurality of independently commercial office buildings on a regional and nationwide basis (Paragraph 0009). Carr also teaches that *these vendors will be required to pay the ACME Office business network annual **marketing fees*** (advertising fee is inherent in marketing fees) or *other associated revenues* (Paragraph 0034). Carr additionally discloses in Paragraph 0034 that *Examples of the types revenue enhancement opportunities that ACME official would enter into include advertising and distribution channel alliances*. Even further more, Carr teaches in the same paragraph that *Each alliance negotiated by ACME Office for the benefit of its plurality of members entities typically would include **an allocation of some portion of the revenues** generated by the vendor from each participating member entity's office buildings to ACME Office*.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Cheung, which teaches automatically crediting to a referral service using web services (i.e., Cheung, paragraph 0084, i.e., **a distributed system 10 comprising a plurality of client computers 12, a plurality of advertiser web servers 14, an account management server 22**), to add the feature of splitting revenues, which is taught by Carr, so that the combined method would comprise automatically splitting a bid amount received from an advertiser for the selected (telephone directory) listing between a referral (telephone directory) listing source associated with the user and an advertiser (telephone directory) listing source that returned the selected telephone directory listing using web services. One would have been motivated to do so in order because revenue sharing among good/services providers by pooling goods and services generate more revenue for each service provider than without revenue sharing, is a well known business practice.

Cheung in view of Carr does not explicitly teach that the listings are "telephone directory listings" and "revenues are shared between a referral telephone directory source associated with the user and a advertiser directory source that returned the selected telephone directory listing".

On the other hand, Ferguson teaches the limitations:

"telephone directory listing" (Ferguson, Column 13 line 66 through Column 14 line12, i.e., *"Referring to FIG. 4, the Lookup Designer 414 is used to design Directory Lookup subservices. A Directory Lookup subservice provides an online, searchable directory of information. For example, a Directory Lookup*

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subservice can store a directory of persons, companies, or other entities. Each entry in the directory can list a name, an address, and any other related information; essentially, an online implementation of telephone "white pages" listings. Alternatively, the entries in a directory can be hyperdocuments that include company descriptions and advertisements, and can be arranged in categories, much like conventional telephone book "yellow pages" listings. In either case, entries are searchable by name, by category, or using full-text search techniques with user-specified keywords"); and

"revenues are shared between a referral telephone directory source associated with the user and a advertiser directory source that returned the selected telephone directory listing" (Ferguson, Column 13 line 66 through Column 14 line12, i.e., "*Referring to FIG. 4, the Lookup Designer 414 is used to design Directory Lookup subservices. A Directory Lookup subservice provides an online, searchable directory of information. For example, a Directory Lookup subservice can store a directory of persons, companies, or other entities. Each entry in the directory can list a name, an address, and any other related information; essentially, an online implementation of telephone "white pages" listings. Alternatively, the entries in a directory can be hyperdocuments that include company descriptions and advertisements, and can be arranged in categories, much like conventional telephone book "yellow pages" listings. In either case, entries are searchable by name, by category, or using full-text search techniques with user-specified keywords"); **Ferguson**, Column 31 lines 33-43, i.e., "*Paying a fixed fee to a content provider whenever a user views or**

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*downloads a particular document or program posted by that content provider. Thus content providers can supply informative reports, software programs, images, sounds, etc. that would be available to users of the online service. When a user requests the content provider's material, the users would be a charged for the material and the fees charged to the user would be **divided** between the content provider and the online service operator*".

At the time the invention was made, it would have been obvious to a person ordinary skill in the art to modify the method of Cheung in view of Carr which teaches revenue sharing of bid amounts for advertisement listings to add the feature of revenue sharing between a referral telephone directory source associated with the user and an advertiser directory source that returned the selected telephone directory listing, as taught by Ferguson, to the method of Cheung in view of Carr so that the resultant method would split atomically a bid amount received from an advertiser for a selected telephone directory listing between a referral telephone directory listing source associated with a user and an advertiser directory listing source that returned the selected telephone directory listing. One would have been motivated to do so in order to provide an online system which supports transactions such as fee setting function (Ferguson, column 4 lines 6-10).

Referring to claim 5, Cheung in view of Carr and further in view of Ferguson teaches the limitation:

“wherein the telephone directory listing is one or more of the following: a directory assistance listing and a local business listing”

(Cheung, Paragraph 0014-0015 and 0091, in view of Ferguson cited in claim 2).

Claim 17 is essentially the same as claim 2 except that it set forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

As per claim 23, Cheung in view of Carr teaches the limitations:

“wherein the revenue sharing message system includes access to the referral telephone directory listing source accounting system and the advertiser telephone directory listing source accounting system” (Cheung, as cited in claim 2 above, teaches a revenue sharing message system accessing both referral listing source accounting system and the advertiser listing source accounting system. Note Cheung paragraph 0025, paragraph 0028, paragraph 0118 (“payment”), paragraphs 0240-0248, paragraph 0084 (“account management server 22”), paragraph 0092, and paragraph 0084, all of which teaches accessing the accounting systems of both the referral listing source and the advertiser listing source. In addition, Ferguson teaching revenue sharing between the referral telephone directory service and the advertising listing source (any advertising source including advertising telephone directory listing source. As such Cheung in view of Ferguson teaches the limitation of claim 23).

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As per claim 24, Cheung in view of Carr teaches the limitations:

“wherein the web service transaction messages include revenue-split transaction data” (Cheung, Paragraph 0111 as cited in claim 2 above teaches web service transaction message; Both Carr and Ferguson teaches "revenue sharing". Therefore, Cheung in view of Carr and further in view of Ferguson teaches the limitation of claim 24).

Claim 34 is rejected on the same basis as claim 23.

Claim 35 is rejected on the same basis as claim 24.

7. Claims 6-7 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Carr and further in view of Ferguson and further in view of Reichardt et al. (hereinafter "Reichardt", U.S. Patent Application Publication Number 2002/0124255).

Referring to claim 6, Cheung in view of Carr and further in view of Ferguson does not explicitly teach the limitation: "wherein at least one of the one or more bid amounts is based at least in part on a time value".

Reichardt teaches the limitation: **“wherein at least one of the one or more bid amounts is based at least in part on a time value”** (Paragraph 0086 and 0090).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of listings based on time-slots

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as taught by Reichardt to the method of Cheung in view of Carr and further in view of Ferguson so that in the resultant method bid amount for listings will be based on a time value. One would have been motivated to do so in order to enhance advertising and merchandising opportunities (Reichardt, Paragraph 0009).

Referring to claim 7, Cheung in view of Carr and further in view of Ferguson and further in view of Reichardt teaches the limitation:

“wherein the time value is associated with a time at which a corresponding telephone directory listing is selected” (Reichardt, Paragraph 0086 and 0090).

Claim 28 is rejected on the same basis as claim 6.

8. Claim 8-10, 14, 26, 27, 29, 30, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield SR (hereinafter “Bedingfield”, U.S. Patent Application Publication Number 2004/0260604).

Referring to claim 8, Cheung in view of Carr and Ferguson does not explicitly disclose the limitation: “wherein at least one of the one or more bid amounts is based at least in part on a distance value”.

Bedingfield teaches the limitation:

"wherein at least one of the one or more bid amounts is based at least in part on a distance value" (Figure 5, Paragraph 0008-0009 and 0021, i.e. *The selected one or more advertiser entries may be presented based on at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries.*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of listings based on distances as taught by Bedingfield to the method of Cheung in view of Carr and further in view of Ferguson so that the resultant method would also comprise bid amounts which are based at least in part on a distance value. One would have been motivated to do so in order to provide location-based services (Bedingfield, Paragraph 0005).

Referring to claim 9, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield teaches the limitation:

"wherein the distance value is associated with the distance between a location associated with a telephone directory listing and a location associated with one or more of the following: the query, user, and the telephone directory the listing source" (Bedingfield, Figure 5, Paragraph 0008-0009 and 0021, i.e. *The selected one or more advertiser entries may be presented based on at least in part on the user measured location information and the advertiser measured location information of the selected one or more*

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advertiser entries; Cheung, Paragraph 0025 in view of Ferguson as cited in claim 2 above).

Referring to claim 10, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield teaches the limitation:

"wherein the telephone directory listings are responsive to the query only if the telephone directory listings are associated with a location within a distance value from a location associated with one or more of the following: the query, the user, and the telephone directory listing source" (Bedingfield, Paragraphs 0021-0025 and particularly Bedingfield paragraph 0034, i.e., "*For example, the server 170 can list the advertisers for the selected category in a distance order with the closest advertiser listed first, the next closest advertiser listed next, and so on. In an embodiment, only advertisers having associated measured location information are presented to the user*; and Cheung Paragraph 0025 in view of Ferguson as cited in claim 2 above).

Referring claim 14, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield is directed to the limitation:

"wherein query is associated with an interactive voice response system" (Bedingfield, Paragraph 0004 in view of Ferguson).

Referring claim 26, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield is directed to the limitation:

"wherein the referral telephone directory listing source is associated with the user by being closer to the user" (Cheung in view of Ferguson teaches "telephone directory listings", respective referral services and revenues. Bedingfield teaches the limitations "the listing source is associated with the user being closer to the user" (Bedingfield, Paragraph 0023, i.e., *"The user can look up advertisers in a yellow pages category. The yellow pages service can present (e.g., list, announce, etc.) advertisers in order of distance from the user location, e.g., presenting the closest advertiser first, the next closest advertiser second, and so on. For example, the yellow-pages service can present the ten (10) closest advertisers, the twenty-five (25) closest advertisers, each advertiser in the same telephone exchange area as the user, each advertiser in the same area code (or area codes when there are one or more overlay area codes) as the user, each advertiser in the same local access and transport area ("LATA") as the user, and so on. In an embodiment, the yellow-pages service can also present the distance between the advertiser and the user"; As such, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield teaches the limitation of claim 26).*

Referring claim 27, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield is directed to the limitation:

"wherein the telephone directory listing is one or more of the following: a directory assistance listing and a local business listing" (Carr Paragraph 0023, i.e., *"these marketing campaigns will be conducted within a*

metropolitan area where a plurality of member entities are located. The regional marketing campaigns conducted in step may include one or more sub-steps including placing advertisements in a plurality of industry publications such as *The Wall Street Journal*, local and regional newspapers, including various real estate trade publications, as well as billboard and/or banner advertisements in public spaces"; **Ferguson** Column 13 lines 26-31, i.e., "in a "yellow pages" style online service, levying a variable fee on a content provider depending on the number of categories under which the provider's listing (and advertisement) is carried. Thus the easier it is to find the content provider's advertisement, the more the online service provider would charge"; Bedingfield Paragraph 0004, i.e., "known yellow pages include a directory of advertisers and associated information (e.g., business name, business telephone numbers, business address, business e-mail address, business network address (e.g., www.businessaddress.net), etc.) classified by category of advertiser. For example, a consumer may want to identify and/or locate business establishments (e.g., stores, offices, etc.) of a particular business type (e.g., hardware, computers, pool services, department stores, movie theatres, etc.). The consumer can view the section of the yellow pages associated with that particular business type, and that section typically lists one or more business establishments of the particular business type. Advertisers typically pay a fee to the publisher of the yellow pages to be listed in the yellow pages, but do not pay a supplemental fee to include information such as a phone number, a street address, a city identifier, a zip code, and so on").

Claim 29 is rejected on the same basis as claim 8.

Referring claim 30, Cheung in view of Carr and further in view of Ferguson and further in view of Bedingfield is directed to the limitation:

"wherein the telephone directory listings are responsive to the query only if the telephone directory listings are associated with a location within a distance value from a location associated with one or more of the following: the query, the user, and the telephone directory listing source" (Cheung in view of Ferguson and further in view of Bedingfield, that is, Bedingfield paragraph 0034, i.e., "*For example, the server 170 can list the advertisers for the selected category in a distance order with the closest advertiser listed first, the next closest advertiser listed next, and so on. In an embodiment, only advertisers having associated measured location information are presented to the user*").

Claim 32 is rejected on the same basis as claim 14.

Claim 36 is rejected on the same basis as claim 26.

9. Claims 11-13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Carr and further in view of Ferguson and further in view of Ponte (U.S. Patent Number 7047242).

Referring to claim 11, Cheung in view of Carr and further in view of Ferguson teaches "telephone directory listing sources" (Cheung, Paragraph 0025 in view of Ferguson as cited above in claim 2). Cheung in view of Carr and further in view of Ferguson does not explicitly teach the limitation: "wherein receiving the one or more bid amounts for the keyword includes synchronizing a shared database with one or more databases of one or more telephone directory listing sources from which the one or bid amounts are received."

Ponte teaches the limitation:

"wherein receiving the one or more bid amounts for the keyword includes synchronizing a shared database with one or more databases of one or more listing sources from which the one or bid amounts are received" (Ponte, Figure 4, Column 5 Line 59 through Column 6 Line 41, Figure 31, Column 57 Lines 7-17, and Column 60 Lines 51-56).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of a shared database which is connected to one or more databases for business listings as taught by Ponte to the method of Cheung in view of Carr and further in view of Ferguson so that the resultant method would comprise receiving the one or more bid amounts for the keyword includes synchronizing a shared database with one or more databases of one or more entities from which the one or bid amounts are received. One would have been motivated to do so in order to target a wide range of users who may be interested in a wide range of goods and services (Ponte, Column 1 Lines 3-36).

Referring to claim 12, Official Note is taken that the concept of synchronizing databases periodically is notoriously well known in the art.

Referring to claim 13, Cheung in view of Carr and further in view of Ferguson and further in view of Ponte is direct to the limitation:

“wherein the databases of telephone directory listing sources includes at least two databases of different formats that synchronize with the same shared-database” (Cheung Paragraph 0025 in view of Ferguson and further in view of Ponte, Figure 4).

Claim 31 is rejected on the same basis as claim 11.

10. Claim 15-16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Carr and further in view of Ferguson and further in view of Tibbetts (U.S. Patent Number 6158044).

Referring to claim 15, Cheung in view of Carr and further in view of teaches the limitation “telephone directory referral service” (Cheung Paragraph 0025 in view of Ferguson). Cheung in view of Carr does not explicitly teach the limitation: “wherein crediting to the referral service includes placing transaction data in a queue”.

Tibbetts teaches the limitation:

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"wherein crediting to the referral service includes placing transaction data in a queue" (Tibbetts Column 10 Lines 13-16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of transaction queuing as taught by Tibbetts to the method of Cheung in view of Carr and further in view of Ferguson so that the resultant method would comprise transaction queuing. One would have been motivated to do so simply because transaction queuing allows sequential execution, which is well known in the art.

Referring to claim 16, Cheung in view of Carr and further in view of Ferguson and further in view of Tibbetts teaches the limitation:

"wherein the transaction data is associated with a metadata that can be used to recover the crediting from a failure" (Tibbetts, Column 11 Line 20 through Column 12 Line 16 and Column 25 Lines 10-20).

Claim 33 is rejected on the same basis as claim 15.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung in view of Carr and further in view of Ferguson and further in view of Benson et al., (hereinafter "Benson", U.S. Patent Application Publication Number 2003/0200212).

As per claim 25, Cheung in view of Carr and further in view of Ferguson teaches "the web service transaction message" (as discussed in claim 2 above).

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Cheung in view of Carr and further in view of Ferguson does not explicitly teach the limitation: "wherein the web services transaction messages include transaction compensation metadata".

On the other hand, Benson teaches the limitation:

"transaction compensation metadata" (Benson, Paragraph 0096, i.e., *"The basic design is as follows. On a library server (LS), each content manager (CM) transaction is supported by a relational database (RDB) transaction, and the library server (LS) tracking table (TT) is used to coordinate content manager (CM) transaction commit/rollback involving OS(s) and to recover from failure. On an OS, all constructive updates (e.g., store object) made by an API call, as well as a log of the updates made (stored in the OS TT), are hardened. However, the metadata updates on the library server (LS) corresponding to these OS updates are deferred to transaction commit time. On the other hand, destructive OS updates (e.g., delete object) are deferred to transaction commit time, but the corresponding metadata updates on the library server (LS) are performed in-line. To roll back OS changes, compensatory operations are performed based on OS tracking table (TT) entries. This approach improves performance and simplifies recovery")*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of employing transaction metadata to perform compensatory operation if a transaction error occurs (which needs to be rolled back), as taught by Benson to the method of Cheung in view of Carr and further in view of Ferguson so that, in the resultant method, web

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service transaction messages would include transaction compensation metadata.

One would have been motivated to do so to facilitate transaction recovery operations if an error occurs (Benson, paragraph 0096), which is well known in the art of databases.

Response to Arguments

12. Applicant's arguments filed on February 9, 200, have been considered but are moot in view of new ground(s) of rejection.

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Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

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